IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

WP(C).No. 31442 of 2007(R)

PETITIONERS:

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1. JOHN.M.V., LECTURER (SELECTION GRADE), BHARAT MATHA COLLEGE, TRIKKAKARA, RESIDING AT LEKSHMY BHAVAN, DESHABHIMANI ROAD, ELAMAKKARA, KOCHI.

2. TERESA JOSEPH, LECTURER (SELECTION GRADE BHARAT MATHA COLLEGE, TRIKKAKARA, RESIDING AT KARICKAL HOUSE, KATHRIKADAVU, KALOOR, KOCHI.

3. ROSALIE PAUL, LECTURER(SELECTION GRADE) BHARAT MATHA COLLEGE, TRIKKAKARA, RESIDING AT THENGUMTHOTTATHIL, HOUSE NO.372609, PONOTH ROAD, (PALLIPARAMBU LANE), KALOOR, KOCHI.

4. DR.LILLY.P.A., LECTURER(SELECTION GRADE) BHARAT MATHA COLLEGE, TRIKKAKARA, RESIDING AT DAYA BHAVAN HOSTEL, TRIKKAKARA, KOCHI.

5. ELISAMMA JOHN, LECTURER(SELECTION GRADE) BHARAT MATHA COLLEGE, TRIKKAKARA, RESIDING AT THEKKEKARA HOUSE, TRIKKAKARA, KOCHI.

6. ALICE AMPANAT.M., LECTURER(SELECTION GRADE) BHARAT MATHA COLLEGE, TRIKKAKARA, RESIDING AT VADASSERY HOUSE, 18/283 B, PALLURUTHY, KOCHI.

BY ADV. SRI.P.SREEKUMAR
SRI.K.S.MANU (PUNUKKONNOOR)

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY SECRETARY HIGHER EDUCATION DEPARTMENT, THIRUVANANTHAPURAM.

2. UNION OF INDIA REPRESENTED BY
SECRETARY, DEPARTMENT OF SECONDARY AND HIGHER
EDUCATION, MINISTRY OF HUMAN RESOURCES, 128 C
WING, SHASTRI BHAVAN, NEW DELHI.

3. THE UNIVERSITY GRANTS COMMISSION,
BAHADURSHA ZAFAR MARG, NEW DELHI-110 002,
REPRESENTED BY ITS SECRETARY.

4. MAHATMA GANDHI UNIVERSITY REPRESENTED
BY ITS REGISTRAR, KOTTAYAM.

BY ADV. SRI.P.PARAMESWARAN NAIR,ASST.SOLICITOR
BY SC SHRI. T.A. SHAJI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C).No. 31442 OF 2007 R

Dated this the,23rd October 2007.

JUDGMENT

The petitioners in this writ petition are Selection Gr. Lecturers in Bharat Mata College, Trikkakara. The Government of Kerala has implemented the U.G.C scheme in colleges in Kerala in respect of scales of pay of Lecturers of Colleges. The petitioners have been inducted in the U.G.C. scheme. However, U.G.C. scheme prescribes the retirement age of 62 years. The Government has stipulated 55 years as the retirement age of Lecturers of Colleges under the Universities in Kerala . The petitioners are challenging the said stipulation of retirement age. According to them, when the U.G.C. scheme is implemented the entire scheme as implemented which would include retirement age of 62 years. A Division Bench of this Court in **S.N.College v. N. Raveeendran** {2001(3) KLT 938} had considered a similar question and held that unless and until amendments are effected in the university Statutes, the scheme would not be applicable to the private colleges. In another Division Bench decision in W.A.826/07 the very specific question relating to retirement age of Lecturers coming within the purview of U.G.C scheme have been considered and it was held that petitioners similarly situated cannot claim to continue beyond the age of 55 years in accordance with the U.G.C norms. Therefore, I do not find any merit in this writ petition and accordingly the same is dismissed.

S. SIRI JAGAN
Judge

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